

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

UNITED STATES OF AMERICA

V.

MAGISTRATE NO. 3:09-mj-00033

CHARLES HARRISON NEACE

**ORDER**

On the 15<sup>th</sup> day of June, 2009, came the defendant, in person and by counsel, George Lancaster, and came also the United States of America by Lisa G. Johnston, Assistant United States Attorney, for hearing on defendant's motion seeking a mental examination of defendant pursuant to 18 U.S.C. §§ 4241 and 4247. Counsel for the United States informed the Court that she does not oppose the motion.

On the basis of submissions by counsel for defendant, both oral and written, the Court finds there is reasonable cause to believe defendant may be suffering from a mental disease or defect rendering him incompetent to stand trial. The Court, accordingly, grants the motion and **ORDERS**, pursuant to 18 U.S.C. §§ 4241 and 4247, that the defendant, Charles Harrison Neace, be committed to the custody of the Attorney General and that he be transported to a medical facility where a medical examination and a mental evaluation shall be completed, in a period not to exceed thirty (30) days, to determine whether, at the present time, the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature

and consequences of the proceedings against him or to assist properly in his defense. Upon completion of the examination a report shall be prepared by the examiner which shall include:

- (1) The defendant's history and present symptoms.
- (2) A description of the psychiatric, psychological, and medical tests that were employed and their results.
- (3) The examiner's findings.
- (4) The examiner's opinions as to diagnosis and prognosis.
- (5) The examiner's conclusions as to whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

The report shall be filed with the Court with copies provided to counsel for the defendant and to the attorney for the government.

All of the above is to be performed pursuant to 18 U.S.C. §§ 4241 and 4247. The Court recommends that the examination and evaluation be conducted at FCI Butner, North Carolina, and **ORDERS** that the defendant be transported forthwith by the United States Marshal to the facility which is designated.

For purposes of computing the time excludable under the Federal Speedy Trial Act, specifically 18 U.S.C. § 3161(h)(1)(A), the Court finds excludable the time from the date this Order is entered up to and including the date upon which a further order of the Court dealing with the competence of the defendant is entered.

It is further **ORDERED** that, upon defendant's arrival, the facility shall notify defendant's counsel so that counsel can immediately forward any pertinent information concerning defendant's history in his possession for consideration as part of the evaluations.

The Clerk is directed to transmit a copy of this Order to defendant, counsel of record, the United States Marshal, and the United States Probation Office.

ENTER: June 15, 2009

  
MAURICE G. TAYLOR, JR.  
UNITED STATES MAGISTRATE JUDGE